

An. Code, 1924, sec. 352. 1912, sec. 318. 1904, sec. 293. 1888, sec. 188. 1809, ch. 138, sec. 4.

434. Every person, his aiders, abettors and counsellors, who shall be convicted of the crime of cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting or biting off the nose, ear or lip, or cutting or biting off or disabling any limb or member of any person, of malice aforethought, with intention in so doing to mark or disfigure such person, shall be sentenced to the penitentiary for not less than two nor more than ten years.

An. Code, 1924, sec. 353. 1912, sec. 319. 1904, sec. 294. 1888, sec. 189. 1853, ch. 99, sec. 1.

435. If any person shall unlawfully shoot at any person, or shall in any manner unlawfully and maliciously attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, or shall assault or beat any person, with intent to maim, disfigure or disable such person, or with intent to prevent the lawful apprehension or detainer of any party for any offense for which the said party may be legally apprehended or detained, every such offender, and every person counselling, aiding or abetting such offender shall, upon conviction thereof, be punished by confinement in the penitentiary for a period not less than eighteen months nor more than ten years.

Indictment under this section must charge the intent with which the act is done in the words of this section, else it is demurrable. Penal statutes strictly construed. *State v. Elhorn*, 27 Md. 488.

Manslaughter.

An. Code, 1924, sec. 354. 1912, sec. 320. 1904, sec. 295. 1888, sec. 190. 1864, ch. 39.

436. Every person convicted of the crime of manslaughter shall be sentenced to the penitentiary for not more than ten years, or in the discretion of the court may be fined not more than five hundred dollars, or be imprisoned in jail for not more than two years, or be both fined and imprisoned in jail.

Manslaughter is a different crime from murder; they do not differ merely in degree. Hence on an indictment for murder and a conviction of manslaughter, the verdict must negative murder. *Weighorst v. State*, 7 Md. 451; *State v. Flannigan*, 6 Md. 167.

Upon a reversal for an erroneous sentence under this section, formerly the court of appeals had no power to impose the proper sentence or to remand the case for that purpose—see, however, art. 5, sec. 87. *McDonald v. State*, 45 Md. 90.

Marrying Unlawfully.

An. Code, 1924, sec. 355. 1912, sec. 321. 1904, sec. 296. 1888, sec. 191. 1777, ch. 12, sec. 2. 1785, ch. 35.

437. If any person shall marry with any person within the three degrees of direct lineal consanguinity, or within the first degree of collateral consanguinity, each of the parties so marrying, on conviction thereof, shall forfeit and pay fifteen hundred dollars, or be banished the State forever.

As to "Marriages" and offenses in connection therewith, see art. 62.

An. Code, 1924, sec. 356. 1912, sec. 322. 1904, sec. 297. 1888, sec. 192. 1777, ch. 12, sec. 2. 1790, ch. 20.

438. If any person shall marry with any person related within any other of the degrees of kindred or affinity prohibited by the laws of this State, each of the parties so marrying shall on conviction thereof forfeit and pay five hundred dollars.